

Department of Marine Resources
NOTICE OF AGENCY RULE-MAKING PROPOSAL

RULE TITLE OR SUBJECT: Chapter 44 - American Shad – technical correction

CONCISE SUMMARY: The term “coastal” would be updated to “territorial” for consistency with the changes to these definitions.

STATUTORY AUTHORITY: 12 M.R.S. §6171, §6001(6) & (48-B)

PUBLIC HEARING: Nov. 17*, 2009, 6:00pm, DMR Large Conf Rm, 194 McKown Pt Rd, W Boothbay Harbor

**Public hearings for multiple proposed rules will be held in chronological order November 17. The second hearing will be held immediately upon the conclusion of the previous hearing, etc. See separate rulemaking notices for the rules not listed in this notice.*

DEADLINE FOR COMMENTS: November 30, 2009

To ensure consideration, comments must include your name and the organization you represent, if any. Please be aware that any risk of non-delivery associated with submissions by fax or e-mail is on the sender.

AGENCY CONTACT PERSON: Laurice Churchill (207-633-9584)

Mail written comments to: Department of Marine Resources, attn: L. Churchill

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TEL.: (207) 633-9584 **FAX:** (207) 633-9579 **TTY:** (207) 633-9500 (Deaf/Hard of Hearing) Hearing facilities:
If you require accommodations due to disability, please contact Amanda Beckwith, at (207) 287-7578.

Additional information:

Regulations to limit American Shad take were enacted in May 1998 in part to prevent any directed “coastal” fishery from developing in compliance with the Atlantic States Marine Fisheries Commission’s Shad and River Herring Plan. At that time the term coastal meant inside the 3 mile limit. In 2001 the definitions of coastal waters and territorial waters (out to the EEZ) were reversed. For consistency with the changes to these definitions the term coastal waters would be updated to territorial waters.

This correction would provide clarification for enforcement purposes as persons who hold a commercial fishing license (12 MRS §6501) may possess up to 2 shad per day which they may sell provided that the fish is caught outside of territorial waters meaning beyond the 3 mile limit in accordance with the rules in Chapter 44.

Proposed rulemaking – see underlined or ~~deleted~~ text below:

Chapter 44 - American Shad

44.05 American Shad Limits

1. Daily and Possession Limits.

Except as provided in Chapter 44.05(2) it shall be unlawful for any person to possess more than two (2) American shad per day taken from the territorial-~~coastal~~ waters of Maine.

2. The daily limit and possession limit shall not apply to persons licensed under 12 M.R.S.A. §6851 and §6852.

3. It is unlawful to fish for or take American shad from the territorial-~~coastal~~ waters of the State by any method other than hook and line.

If you are unable to attend the hearing persons are encouraged to submit written comments from the receipt or posting of this notice through close of business on the deadline listed.